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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,410	02/25/2004	Ryoichi Ueda	62758-072	9811

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MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,410	<b>Applicant(s)</b> UEDA ET AL.	
	<b>Examiner</b> Matthew J. Ludwig	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12, 13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12, 13, 15, and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/25/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the amendment received 3/21/2007.
2. Claims 1-4, 6, 7-10, 12, 13, 15, and 16, are pending in the application. Claims 1, 7, 13, and 16, are independent claims.
3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato have been withdrawn pursuant to applicant's amendments.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 7, 13, 15, and 16, are rejected under 35 U.S.C. 102(e) as being anticipated by Baumgartner et al., US Pat. Pub. 2005/0022115 filed (5/28/2002).**

**In reference to independent claim 1, 7, and 13, Baumgartner teaches:**

The filters described in the reference and the modifying of filters as discussed in the reference disclose a means of altering the instructions of the filter and therefore, altering the rules for locating specific elements within a document (compare to “*applying a document structure alteration rule, which is stored by storage means, to a first document structure written in a document structure language to express the structure of a structured document for the purpose of effecting conversion to generate a second document structure definition*”). The

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reference provides a tree of elements written in HTML that are translated to XML based upon the utilization of filters/pattern recognition. See page 13, paragraphs [0177] through [0179], page 15, paragraphs [0190] through [0194], page 18, paragraphs [0230] through [0235].

A source pattern describes parts or elements of (HTML) documents. It can be a tree pattern or a string pattern. Every filter is associated with exactly two patterns. First it is associated with the actual extraction pattern to whose definition it contributes. Second, it refers to a parent pattern which defines the hierarchical extraction context. Also, one can specify an allowed number of children for a pattern instance, and how often a pattern instance is allowed to occur within a parent-pattern instance. A DTD or an XML schema can be created. See page 23, paragraphs [0274] through [0278]; page 40, paragraphs [0515] through [0518]. Finally, a user may alter the filters which would alter the elements found within the HTML document (compare to “*wherein said document structure alteration rule includes a replacement rule for setting a document structure definition element name that is to be replaced in accordance with an element name contained in a document structure definition targeted for application and/or....*”). See page 43, paragraphs [0569] through [0572]. The language is in the alternative and therefore, only one limitation of the three, is needed to reject the independent claim.

If the output document is an XML document than it would conform to the DOM in order for the document to complete the translation from the production elements into XML yielding an XML companion of the production document. See page 51, paragraphs [0681] through [0684].

**In reference to claims 15 and 16**, the claims recite similar language to that of rejected claims 1 and therefore, the claims are rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-4, 6, 8, 9, 10, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgartner et al., US Pat. Pub. 2005/0022115 filed (5/28/2002).**

**In reference to dependent claim 2 and 8, Baumgartner teaches:**

The reference provides replacement rules applied as filters and modified by the user. As the filters are modified and replacement rules change, the elements are changed based upon the new restrictions. The portions of said documents affected are the portions provided by the filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the filter methods and the HTML documents taught by Baumgartner to provide a change to any portion of a document, including an encrypted part, if that was desired by the user to extract and translate specific document elements in accessing a favorite website. See page 41, paragraphs [0546] through [0549].

**In reference to dependent claim 3, 4, 9, and 10, Baumgartner teaches:**

A source pattern describes parts or elements of (HTML) documents. It can be a tree pattern or a string pattern. Every filter is associated with exactly two patterns. First it is associated with the actual extraction pattern to whose definition it contributes. Second, it refers to a parent pattern which defines the hierarchical extraction context. Also, one can specify an allowed number of children for a pattern instance, and how often a pattern instance is allowed to

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occur within a parent-pattern instance. A DTD or an XML schema can be created. See page 23, paragraphs [0274] through [0278]; page 40, paragraphs [0515] through [0518]. Finally, a user may alter the filters which would alter the elements found within the HTML document (compare to “*wherein said document structure alteration rule includes a replacement rule for setting a document structure definition element name that is to be replaced in accordance with an element name contained in a document structure definition targeted for application and/or....*”). See page 43, paragraphs [0569] through [0572]. The language is in the alternative and therefore, only one limitation of the three, is needed to reject the independent claim.

If the output document were an XML document than it would conform to the DOM in order for the document to complete the translation from the production elements into XML yielding an XML companion of the production document. See page 51, paragraphs [0681] through [0684].

The reference provides replacement rules applied as filters and modified by the user. As the filters are modified and replacement rules change, the elements are changed based upon the new restrictions. The portions of said documents affected are the portions provided by the filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the filter methods and the HTML documents taught by Baumgartner to provide a change to any portion of a document, including an encrypted part, if that was desired by the user to extract and translate specific document elements in accessing a favorite website. See page 41, paragraphs [0546] through [0549].

**In reference to dependent claim 6 and 12, Baumgartner teaches:**

Several extensions are immediately apparent such as all kind of well-known extensions that can be defined for classical Logic Programming, for instance the user of various forms of negation. Moreover, one could allow that even stated instances refer to more than one parent instance (in the pattern instance base). See page 31, paragraphs [0397] through [0401].

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant added new claims 15 and 16. Also, applicant cancelled rejected claims 5, 11, and 14. Finally, applicant amended the claims and changed the scope of the claims when read as a whole. Therefore, the rejections have been adjusted accordingly.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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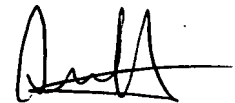
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



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